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PATENT MAINTENANCE
DIVISION

Appln. Serial No.: 10/551,155

Group Art Unit:

2016 APR 19 PM 4:34

Filing Date: September 28, 2005

Examiner:

Applicant(s): Jones, Barry E. et al.

Attorney Docket No.: 78104.096

U.S. PATENT & TRADEMARK
OFFICE

Title: METHOD AND APPARATUS FOR SENSING THE CONDITION OF A DEVICE,
PROCESS, MATERIAL OR STRUCTURE

REQUEST FOR GRANTING OF REFUND
IMPROPER CHARGE TO DEPOSIT ACCOUNT

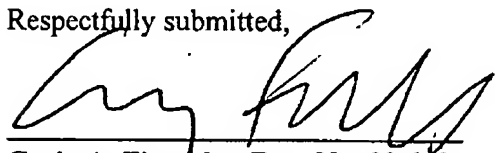
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To the Commissioner:

Applicants' attorney's deposit account was charged \$65 on March 16, 2006 for the small entity fee for late filing of the declaration regarding the above-identified patent application. A copy of the deposit account statement for March 2006 is attached with the charge entry highlighted.

On March 8, 2006, applicants' attorney filed the missing requirements response, stating that the \$65 late declaration fee was paid upon the filing of the application. A copy of the Transmittal of Missing Requirements is enclosed with the statement highlighted. Also enclosed is a copy of the Transmittal Letter of the application showing in highlight the payment of the late fee. Therefore, applicants believe the \$65 charge is incorrect and authorize the Commissioner to make the appropriate refund of \$65 by crediting Deposit Account No. 18-2055.

Respectfully submitted,



Craig A. Fiesenko, Reg. No. 39,668

CUSTOMER NO.: 25005

DEWITT ROSS & STEVENS S.C.

US Bank Building

8000 Excelsior Drive, Suite 401

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Telephone: (608) 831-2100

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P.O. Box 1450

Alexandria, VA 22313-1450.

Date of Deposit: April 13, 2006

Signature: Mary J. Hansen

Attachments: Copy of March 2006 Deposit Account Statement (18-2055)
Copy of Transmittal of Missing Requirements of Application
Copy of Transmittal Letter to U.S. Designated/Elected Office

**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: March 2006
Deposit Account Number: 182055
Name: DEWITT ROSS & STEVENS
Attention: MARILYN S. HANSON
Address: 8000 EXCELSIOR DR
City: MADISON
State: WI
Zip: 53717-1914
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/16	505	10551155	78104096/N17528	2617	\$65.00	\$11,103.00
03/21	8	10432766		2617	\$65.00	\$11,038.00
03/22	5	10432766		2617	-\$65.00	\$11,103.00
03/24	14	11312906		9204	-\$500.00	\$11,603.00
03/28	2	10468112	78104.062	2201	\$200.00	\$11,403.00
		START	SUM OF	SUM OF	END	
		BALANCE	CHARGES	REPLENISH	BALANCE	
		\$11,168.00	\$330.00	\$565.00	\$11,403.00	

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/551,155 Int'l. Appln. No.: PCT/GB2004/001332
Int'l. Filing Date: 26 March 2004 Priority Date: 28 March 2003
Applicant(s): JONES, Barry E., et al. Atty. Docket: 78104096/N17528
Title: METHOD AND APPARATUS FOR SENSING THE CONDITION OF A
DEVICE, PROCESS, MATERIAL OR STRUCTURE

TRANSMITTAL OF MISSING REQUIREMENTS OF
APPLICATION FILED UNDER 35 USC §371

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COPY

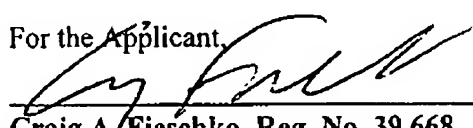
To the Commissioner:

In advance of the receipt of any Notice of Missing Requirements mailed by the USPTO, enclosed are the following documents for filing with the above-referenced patent application:

- An executed Declaration and Power of Attorney.

Kindly place these documents in the application's file, forward an Official Filing Receipt, and commence examination. The \$65.00 fee for furnishing the Declaration later than 30 months from the earliest claimed priority date (37 CFR §1.492(f)) was paid upon filing of the application on 28 September 2005. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-2055.

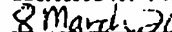
For the Applicant,

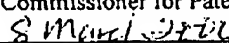

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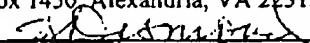
ATTACHMENTS:

- Executed Declaration

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 78104096/N17528
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/GB2004/001332	INTERNATIONAL FILING DATE 26 MARCH 2004	PRIORITY DATE CLAIMED 28 MARCH 2003
TITLE OF INVENTION METHOD AND APPARATUS FOR SENSING THE CONDITION OF A DEVICE, PROCESS MATERIAL OR STRUCTURE		
APPLICANT(S) FOR DO/EO/US <u>JONES, Barry E.; AU, Yuen, Hong, Joseph; RAKOWSKI, Ryszard T.; KAEWKONGKA, Tonphong</u>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the Inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) PCT/GB2004/001332		INTERNATIONAL APPLICATION NO. PCT/GB2004/001332		ATTORNEY'S DOCKET NUMBER 78104096 / N17528	
20. Other items or information:					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$ 200.00	
All other situations.....\$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100				\$ 400.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	-0-	
-0- - 100 =	-0- /50 =	-0-	x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	16 - 20 =	-0-	x \$ 50	\$ -0-	
Independent claims	3 - 3 =	-0-	x \$200	\$ -0-	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ -0-	
TOTAL OF ABOVE CALCULATIONS =				\$1,030.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.				\$ 515.00	
SUBTOTAL =				\$ 515.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ -0-	
TOTAL NATIONAL FEE =				\$ 515.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ -0-	
TOTAL FEES ENCLOSED =				\$ 515.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

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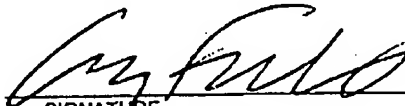
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- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
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- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 18-2055. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

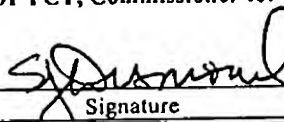
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Craig FIESCHKO
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